

1.

PURPOSE

- a. The purpose of the Policy is the registration of businesses, callings, trades and occupations located and operated within the boundaries of the Tyendinaga Mohawk Territory.
- b. All Businesses based on Tyendinaga Mohawk Territory must be registered under this policy in order to be considered legitimate.

2.

DEFINITIONS

- a. **Act** means the Indian Act, RSC. 1985, c I-5.
- b. **Business** means a calling, trade, occupation, employment or profession, vocation, commercial activity, or an enterprise which habitually busies, occupies or engages the regular time, attention, labour and effort of the registrant or person(s) for the purposes of gain, benefit, advantage, livelihood or profit, or in which the registrant or person(s) show(s) willingness to invest time and capital on a future outcome.
- c. **Calling** means a business or profession as defined in this policy.
- d. **Council** means the duly elected officials of the Tyendinaga Mohawk Territory No. 38.
- e. **Member** means a person who lawfully possesses a status card and membership with the Mohawks of the Bay of Quinte.
- f. **Occupation** means a business or profession as defined in this policy.
- g. **Person** includes not only an individual member as defined in this policy, but also a partnership, syndicate, association, corporation or the agent or trustee of a person.
- h. **Profession** means a vocation, occupation or calling requiring special, usually advanced, education and skill as defined in this policy.
- i. **Registrant** means those persons eligible to apply for and/or possess a business registration as defined in Section 4(a) of this policy.
- j. **Trade** means a business as defined in this policy.
- k. **Tyendinaga Administration Office** refers to the administrative component of the Council.
- l. **Tyendinaga Mohawk Territory** means the current legal description and boundaries of the Tyendinaga Indian Reserve No. 38.

3.

**REQUIREMENTS FOR
BUSINESS REGISTRATION**

- a. Every business within the Tyendinaga Mohawk Territory that applies for a Wholesale Tobacco Permit shall hold a valid business registration under this policy and be recognized under Schedule 1. Only registered businesses are considered legitimate.
- b. Any person carrying on more than one business within the Tyendinaga Mohawk Territory must obtain a separate business registration for each business.
- c. Every business registration issued under this policy is valid and permits the registrant to carry on the business in a lawful manner.
- d. The registrant or person in charge or control of the premises where the business is conducted shall at all times keep the business registration prominently displayed in an area visible to the general public.
- e. The registrant must notify the Council or its representative of any change in:
 - i. the mailing or business address
 - ii. the type of business (as per Schedule 1)
 - iii. the area of the premises
 - iv. any substantial physical alteration to the premises in which the business is conducted
- f. Upon the closing of the business, the registrant shall surrender the business registration to the Council.

4.

APPLICATION

- a. Only members of the Mohawks of the Bay of Quinte who wish to conduct business shall apply in writing to the Tyendinaga Mohawk Council for the issuance of a business registration. Applications are available at the Tyendinaga Administration Office, Tyendinaga Mohawk Territory, Ontario, K0K 1X0. Application for Business Registrations must be completed in their entirety.
- b. Every person applying for a business registration under this policy that is governed or requires registration by any federal statute or self-regulating professional body, must supply proof of his or her qualifications and of the qualifications of the employees to carry on such a business.
- c. Where the applicant is a corporation or partnership with one or more Status member(s) of MBQ, proof of incorporation or partnership (including ownership

- division) must be provided. Status members of MBQ must hold a majority ownership of the business.
- d. Where the applicant is a corporation or partnership or an individual(s) with NO Status member(s) of MBQ as owner of the proposed business, a special application to the Tyendinaga Mohawk Council may be submitted with their application outlining how their business will make a positive impact on the Tyendinaga Mohawk Community. IF THIS BUSINESS IS GRANTED A BUSINESS REGISTRATION, IT WILL NOT BE ELIGIBLE TO RECEIVE A TOBACCO QUOTA.
 - e. The proposed business must be within the defined boundaries of the Tyendinaga Mohawk Territory.
 - f. Applications must be signed and completed in its entirety stating:
 - i. Applicant's Name
 - ii. Applicant's Band Number
 - iii. Applicant's Residential Civic Address
 - iv. Applicant's Residential Phone Number
 - v. Name of Business
 - vi. Address of Business
 - vii. Phone/Fax Number/E-Mail Address of Business
 - viii. Type/Nature of Business (as per schedule 1)
 - ix. Seasonality of Business and Duration of Season;
 - x. Days and Hours of Operation;
 - xi. New/Renewal Application;
 - xii. Proof of Registration Pursuant to Federal Statute or Self-Regulating Professional Body
 - xiii. Proof of Incorporation, Partnership, Syndication or Association
 - xiv. Preliminary Environmental Screening Section

5.

ISSUANCE OF BUSINESS REGISTRATIONS

- a. The Tyendinaga Mohawk Council is responsible for the issuance of business registrations; the distribution of tobacco quotas is the responsibility of the Ministry of Revenue, Motor Fuels and Tobacco Tax Branch.
- b. The Tyendinaga Mohawk Council, in an effort to protect the environment, has incorporated the requirement to provide preliminary project information to determine potential adverse environmental effects. The Preliminary Environmental Screening Section must be signed by MBQ's Technical Department, The applicant may also be required to submit an Environmental Assessment completed by a qualified person submitted with the completed registration form.

- c. Only one (1) registration will be allowed for each business. Business Registrations must be placed in the name of the individual and shall be deemed a personal registration to the registrant. The holder of registration must also be majority owner/shareholder/partner of the business.
- d. The registration will be issued for two (2) years and registration holders must renew application. It shall be the responsibility of the registrant to apply for a business registration renewal.
- e. The registration of a business does not give business special powers. Should a business require special licenses, permits or certification, this business registration does not exempt a business from obtaining the necessary documents.
- f. Unincorporated businesses are deemed to be the personal property of the registrant and, as such, qualifies for all applicable protection and benefits afforded under the Indian Act in the same manner as its owner(s).
- g. Upon a business registration applicant meeting the provisions for the issuance under section 5(g) and Schedule 1 of this policy a business registration shall be issued to the applicant.
- h. Any application for license under this policy shall be made to the Economic Development Office using Form A, enclosing necessary certificates of compliance in relation to Schedule 1 requirements.
- i. The Council shall, upon receiving an application (and recommendation from the Economic Development Officer) for a business registration, promptly issue by delivering or mailing a business registration to the applicant at the address shown in the application provided:
 - i. The Council is satisfied that the applicant's business complies with all provisions in any of the other Mohawks of the Bay of Quinte's By-law(s) and/or policies; and
 - ii. The Council is satisfied in respect to a business involved in the sale of food or drink, or where food is handled or stored, the applicant has a certificate confirmation from an authorized Health Officer as determined by Tyendinaga Mohawk Council.
 - iii. The Council is satisfied in respect to a business involved in the sale or storage of bulk petroleum products that the business be in compliance with all Technical Standards and Safety Authority Regulations. Tyendinaga Mohawk Council recognizes the TSSA as the knowledgeable authority in the safe handling of bulk petroleum and fuel products
 - iv. The Council is satisfied that the applicants business complies with all the requirements under Schedule 1.

- v. the application complies with this policy; and
 - vi. the applicant has disclosed all required information in the application form; and
 - vii. the applicant's business would not be detrimental to the health, welfare, safety, morality and environment of the inhabitants of the Tyendinaga Mohawk Territory; and
 - viii. the Council's investigations do not disclose any reason to believe that the carrying on of the said business may result in a breach of the law, or may be in any way adverse to the public interest.
- j. If the applicant or registrant fails to comply with or the Council is not satisfied with information received from the applicant or registrant under section 5(h) of this policy and Schedule 1 of this policy, the Council shall forthwith (on the recommendation of the Economic Development Officer) serve the applicant notice of the refusal to issue the business registration, stating the reason(s) for refusal and said notice will be served personally or by registered mail to the applicant at the address shown in the business registration application.

6.

REVOCATION AND ENFORCEMENT OF BUSINESS REGISTRATIONS

- a. Tyendinaga Mohawk Council reserves the right to revoke Business Registrations (on the recommendation of the Economic Development Officer) if:
 - i. After issuance of a Business Registration, a business fails to comply with 5(h), Schedule 1 or any other parts of the Policy.
 - ii. The business being conducted is not that as is described in the application for business registration.
- b. If an application for a business licence is denied or a licence is revoked, Tyendinaga Mohawk Council reserves the right to contact known suppliers to advise them of non-registration.
- c. All registered legitimate businesses will have Mohawks of The Bay of Quinte Business registration displayed publicly.

7.

APPEALS

- a. Appeals must be made in writing within sixty (60) days of the initial notice. Copies of the appeal notice must be sent to the Tyendinaga Administration Office.
- b. The Council must notify the appellant of the date, time and place of hearing within thirty (30) days of receipt of notice to appeal. All documents relevant to the appeal must be presented to the pertinent parties within ten (10) days.
- c. At the appeal hearing, the onus will be upon the appellant to show just cause why the business registration applied for should be granted or that revocation was done in error.
- d. If the appellant agrees at the review hearing to accept conditions upon the registration, Council may render a decision granting the appellant the registration applied for upon such conditions as it considers fair and appropriate.
- e. Council will give its decision in writing to the appellant as soon as reasonably possible.
- f. If Council renders a decision granting the appellant the registration applied for, the registration will be issued upon the appellant complying with this policy.
- g. If Council renders a decision declining the appellant the registration applied for and should circumstances change, the appellant may re-apply for a registration.
- h. All decisions of the Tyendinaga Mohawk Council are final.

8.

TRANSFER OF BUSINESS REGISTRATIONS

- a. Business Registrations are not transferable and must be surrendered to the Economic Development Office upon the sale, dissolution, termination or winding up of the business, the business ceases to operate or if the type or nature of the business substantially changes.

9.

REGULATIONS OF BUSINESS

- a. Businesses must have a permanent location on the Tyendinaga Mohawk Territory.
- b. Businesses must comply with Schedule 1 of the Policy in regards to additional regulations that must be met. Schedule 1 may change from time to time as

authorized by Tyendinaga Mohawk Council Motion. All charges with respect to inspections must be borne by the business.

- c. Representative(s) of the Tyendinaga Mohawk Council will be allowed to inspect the business premises during normal business hours. Where a situation arises compromising the health and safety of citizens of Tyendinaga Mohawk Territory, representatives of the Tyendinaga Mohawk Council or agents of the Tyendinaga Mohawk Council may suspend business operations until such time as the business meets all health and safety standards.
- d. Council may make regulations pursuant to this policy.

10.

ACCEPTANCE

- a. Duly accepted by a quorum of the Tyendinaga Mohawk Council this 2 day of August, 2000.
- b. Duly accepted by a quorum of the Tyendinaga Mohawk Council this 7 day of February, 2006.

Chief R. Donald Maracle

Mohawks of The Bay of Quinte
Business Registration Policy
Schedule I

Description of Business	Public Health	Other Compliance	Eligibility for Tobacco Quota	Business Protection (Insurance)
All businesses not hereunder specified	Case by case			
Banks & Credit Unions	N		N	Y
Bulk petroleum products dealer	Y	TSSA, Environmental Insurance	Y	Y
Electrical power plants producing power for public sale	Y	Industry Canada, Environmental Insurance	N	Y
Mail order houses or agencies	N		N	N
Telephone companies or agents	N		N	Y
Financial institutions other than banks or credit unions	N		N	Y
Apartment blocks, up to 3 dwelling units	Y		N	Y
Apartment blocks, each dwelling unit beyond 3	Y	Environmental Insurance	N	Y
Repair and service shops	N		N	Y
Vehicle and equipment rental and Sales	N	Environmental Insurance, OMVIC	N	Y
Bowling alleys and billiard halls	Y		N	Y
Hairdressing and personal grooming	Y		N	N
Kennels	Y		N	Y
Photographers	N		N	N
Printers	N		N	Y
Marine Enterprises	N	DFO	N	Y
General retail, including groceries and/or dry goods	Y		Y	Y
Any coin operated vending machine	N		N	N
Halls or conference rooms for public hire	Y		N	Y

Description of Business	Public Health	Other Compliance	Eligibility for Tobacco Quota	Business Protection (Insurance)
Continued	Continued	Continued	Continued	Continued
Hotels or motels	Y		N	Y
Theatres or movie houses	Y		N	Y
Contracting or construction	N	Environmental Insurance	N	Y
Bed and Breakfast	Y		N	Y
Taxis	N	T Motor vehicle inspections	N	Y
Consulting	N		N	Y
Restaurants	Y		Y	Y
Outfitting	Y	Motor vehicle inspections	N	Y
Commercial property leasing	N		N	Y
Lawyers and accountants	N	Ontario Bar Association	N	Y
Any manufacturing enterprise	N	Environmental Insurance	N	Y
Arts and Crafts	N		N	N
Hauling & Cartage	N	Motor vehicle inspections	N	Y

FORM A

Mohawks of The Bay of Quinte

APPLICATION FOR BUSINESS REGISTRATION

Applicant's Name: _____

Applicant's Band Number: _____

Applicant's Residential
Civic Address: _____

Applicant's Residential
Phone Number : _____

Name of Business _____

Address of Business _____

Business Phone/Fax/ E-mail _____

Type/Nature of Business (as indicated on Schedule 1)

Evidence of Compliance under Schedule 1 – PLEASE LIST ATTACHMENTS HERE

Business will operate:

Circle one - year round or from _____ (month) to _____ (month)

Days/Hours of Operations _____

Is this an application for a new business Yes No

If no, please state previous Permit Number _____

Please state the type of business ownership: i.e. sole proprietorship, partnership, corporation? Attach a list of names and addresses of partners or shareholders and proof of incorporation or partnership including division of ownership.

Is this business regulated by a federal statute or self governing body? Yes or No
If yes, please attach proof of qualifications and/or membership.

PRELIMINARY ENVIRONMENTAL SCREENING

Depending upon the scope of the project, further information to satisfy relevant environmental legislation may be required.

PROJECT Include summary of work to be completed both before business begins and work to be done on premises as part of business operations.	
PROPONENT Include all business owners &/or management staff to be involved in day to day operations	
START AND COMPLETION DATES For initial construction and start date for regular business operations	
PROJECT DESCRIPTION	
Location – please include site map and detail existing characteristics and features	
Adjacent Land Use – please detail land use of the immediate area (within 100 ft) including bodies of water and flood plains	
Do you plan to remove any trees?	
Please detail your servicing needs for hydro, phone or gas.	

Please detail your plan for disposal of waste including hazardous, non-hazardous and recyclable, including estimated volume.	
Will your construction or business operation affect the air quality?	
Please detail expected traffic including customers or clients, pick-ups and deliveries and include high traffic times or days.	

THIS PROJECT IS DEEMED TO BE EXCLUDED FROM THE REQUIREMENT FOR AN ENVIRONMENTAL ASSESSMENT FOR THE FOLLOWING REASON:

It involves the proposed maintenance or repair of an existing physical structure

It involved the proposed expansion or modification of an existing building, including its fixed structures, that will not increase the footprint or height of the building by more than 10%, and will not be carried out within 30 metres of a water body and involve the likely release of a polluting substance into that water body.

REVIEWED BY MBQ TECHNICAL DEPARTMENT

Project may proceed

Project may not proceed for the following reasons: _____

Project recommended for public consultation

Project recommended for full CEAA Environmental Screening Report

SIGNED _____ DATED _____

SIGNED _____ DATED _____

RECOMMENDED BY _____ (EDO) DATED _____

APPROVED _____ (CAO) MOTION # _____ DATE _____